

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## I. (a) PLAINTIFFS

JOHN V. MAGGI

(b) County of Residence of First Listed Plaintiff \_\_\_\_\_

(c) Attorney's (Firm Name, Address, Telephone Number and Email Address)

Craig Thor Kimmel, Esquire  
 Kimmel & Silverman, P.C.  
 30 E. Butler Pike  
 Ambler, PA 19002  
 (215) 540-8888

## DEFENDANTS

NCO FINANCIAL SYSTEMS, INC.

County of Residence of First Listed Defendant \_\_\_\_\_

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

1 U.S. Government Plaintiff  3 Federal Question (U.S. Government Not a Party)

2 U.S. Government Defendant  4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Citizen of This State	PTF	DEF	Citizen of Another State	PTF	DEF
<input type="checkbox"/> 1	<input type="checkbox"/> 1	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 2	<input type="checkbox"/> 2
Incorporated or Principal Place of Business In This State			Incorporated and Principal Place of Business In Another State		
<input type="checkbox"/> 4	<input type="checkbox"/> 4	<input type="checkbox"/> 4	<input type="checkbox"/> 5	<input type="checkbox"/> 5	<input type="checkbox"/> 5

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 430 Banks and Banking	
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 450 Commerce	
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 460 Deportation	
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input checked="" type="checkbox"/> 480 Consumer Credit	
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 490 Cable/Sat TV	
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 390 Other Personal Injury	<input type="checkbox"/> 510 Selective Service	
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 400 Securities/Commodities/ Exchange	<input type="checkbox"/> 850 Securities/Commodities/ Exchange	
<input type="checkbox"/> 195 Contract Product Liability		<input type="checkbox"/> 410 Customer Challenge 12 USC 3410		
<input type="checkbox"/> 196 Franchise		<input type="checkbox"/> 420 Appeal 28 USC 158		
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	SOCIAL SECURITY	
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 861 HIA (1958)	
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 515 Habeas Corpus:	<input type="checkbox"/> 862 Black Lung (923)	
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 864 SSID Title XVI	
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 865 RSI (405(g))	
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	
	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	
			IMMIGRATION	
			<input type="checkbox"/> 462 Naturalization Application	
			<input type="checkbox"/> 463 Habeas Corpus - Alien Detainee	
			<input type="checkbox"/> 465 Other Immigration Actions	
V. ORIGIN	(Place an "X" in One Box Only)		FEDERAL TAX SUITS	
<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 892 Economic Stabilization Act
		<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 893 Environmental Matters
			<input type="checkbox"/> 791 Enpl. Ret. Inc. Security Act	<input type="checkbox"/> 894 Energy Allocation Act
			<input type="checkbox"/> 800 Appeal of Fee Determination Under Equal Access to Justice	<input type="checkbox"/> 895 Freedom of Information Act
				<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
				<input type="checkbox"/> 950 Constitutionality of State Statutes

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
 15 U.S.C. Section 1692

## VI. CAUSE OF ACTION

Brief description of cause:  
 Fair Debt Collection Practices Act

## VII. REQUESTED IN COMPLAINT:

 CHECK IF THIS IS A CLASS ACTION  
 UNDER F.R.C.P. 23

## DEMANDS

CHECK YES only if demanded in complaint:

JURY DEMAND:  Yes  No

## VIII. RELATED CASE(S)

(See instructions):

JUDGE

DOCKET NUMBER

Explanation:

5/26/10

DATE

SIGNATURE OF ATTORNEY OF RECORD

## UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 10510 Grage Lane, North Wales, PA 19454

Address of Defendant: 507 Prudential Road, Horsham, PA 19044

Place of Accident, Incident or Transaction: 10510 Grage Lane, North Wales, PA 19454  
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes  No

Does this case involve multidistrict litigation possibilities?

Yes  No

**RELATED CASE, IF ANY:**

Case Number: \_\_\_\_\_ Judge: \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?

Yes  No

2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?

Yes  No

3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?

Yes  No

4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?

Yes  No

**CIVIL: (Place ✓ in ONE CATEGORY ONLY)**

**A. Federal Question Cases:**

1.  Indemnity Contract, Marine Contract, and All Other Contracts

2.  FELA

3.  Jones Act-Personal Injury

4.  Antitrust

5.  Patent

6.  Labor-Management Relations

7.  Civil Rights

8.  Habeas Corpus

9.  Securities Act(s) Cases

10.  Social Security Review Cases

11.  All other Federal Question Cases 15 U.S.C § 1692

(Please specify)

**B. Diversity Jurisdiction Cases:**

1.  Insurance Contract and Other Contracts

2.  Airplane Personal Injury

3.  Assault, Defamation

4.  Marine Personal Injury

5.  Motor Vehicle Personal Injury

6.  Other Personal Injury (Please specify)

7.  Products Liability

8.  Products Liability — Asbestos

9.  All other Diversity Cases

(Please specify)

**ARBITRATION CERTIFICATION**

(Check Appropriate Category)

I, Craig Thor Kimmel, counsel of record do hereby certify:

Pursuant to Local Civil Rule 33.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

Relief other than monetary damages is sought.

DATE: 5/26/10

Craig Thor Kimmel  
Attorney-at-Law

57100  
Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 5/26/10

Craig Thor Kimmel  
Attorney-at-Law

57100  
Attorney I.D.#

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CASE MANAGEMENT TRACK DESIGNATION FORM

John V. Maggi

v.

NCO Financial Systems, Inc.

CIVIL ACTION

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

(a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )

(b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )

(c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )

(d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )

(e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )

(f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

5/26/10

Date

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FAX Number

John V. Maggi

Attorney for

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E-Mail Address

**UNITED STATES DISTRICT COURT  
FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA**

JOHN V. MAGGI, }  
Plaintiff }  
v. }  
NCO FINANCIAL SYSTEMS, INC., }  
Defendant }  
}  
Civil Action No.:  
**COMPLAINT AND DEMAND FOR  
JURY TRIAL**  
**(Unlawful Debt Collection Practices)**

## COMPLAINT

JOHN V. MAGGI ("Plaintiff"), by his attorneys, KIMMEL & SILVERMAN, P.C., alleges the following against NCO FINANCIAL SYSTEMS, INC. ("Defendant"):

## INTRODUCTION

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* ("FDCPA").

## JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy,” and 28 U.S.C. § 1331 grants this court original jurisdiction of all civil actions arising under the laws of the United States.

3. Defendant conducts business in the Commonwealth of Pennsylvania and therefore, personal jurisdiction is established.

4. Venue is proper pursuant to 28 U.S.C. § 1391(b)(1).

5. Declaratory relief is available pursuant to 28 U.S.C. §§ 2201 and 2202.

## PARTIES

6. Plaintiff is a natural person residing in North Wales, Pennsylvania.

7. Plaintiff is a "consumer" as that term is defined by 15 U.S.C. § 1692a(3).

8. Defendant is a national debt collection company with corporate headquarters located at 507 Prudential Road, Horsham, Pennsylvania, 19044.

9. Defendant is a "debt collector" as that term is defined by 15 U.S.C. § 1692a(6), and sought to collect a consumer debt from Plaintiff.

10. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

## PRELIMINARY STATEMENT

11. The Fair Debt Collection Practices Act (“FDCPA”) is a comprehensive statute that prohibits a catalog of activities in connection with the collection of debts by third parties. See 15 U.S.C. § 1692 *et seq.* The FDCPA imposes civil liability on any person or entity that violates its provisions, and establishes general standards of debt collector conduct, defines abuse, and provides for specific consumer rights. 15 U.S.C. § 1692k. The operative

1 provisions of the FDCPA declare certain rights to be provided to or claimed by  
2 debtors, forbid deceitful and misleading practices, prohibit harassing and abusive  
3 tactics, and proscribe unfair or unconscionable conduct, both generally and in a  
4 specific list of disapproved practices.

5       12. In particular, the FDCPA broadly enumerates several practices  
6 considered contrary to its stated purpose, and forbids debt collectors from taking  
7 such action. The substantive heart of the FDCPA lies in three broad prohibitions.  
8 First, a “debt collector may not engage in any conduct the natural consequence of  
9 which is to harass, oppress, or abuse any person in connection with the collection  
10 of a debt.” 15 U.S.C. § 1692d. Second, a “debt collector may not use any false,  
11 deceptive, or misleading representation or means in connection with the collection  
12 of any debt.” 15 U.S.C. § 1692e. And third, a “debt collector may not use unfair  
13 or unconscionable means to collect or attempt to collect any debt.” 15 U.S.C. §  
14 1692f. The FDCPA is designed to protect consumers from unscrupulous  
15 collectors, whether or not there exists a valid debt, broadly prohibits unfair or  
16 unconscionable collection methods, conduct which harasses, oppresses or abuses  
17 any debtor, and any false, deceptive or misleading statements in connection with  
18 the collection of a debt.

19       13. In enacting the FDCPA, the United States Congress found that  
20 “[t]here is abundant evidence of the use of abusive, deceptive, and unfair debt  
21 collection practices by many debt collectors,” which “contribute to the number of  
22 personal bankruptcies, to marital instability, to the loss of jobs, and to invasions of  
23 individual privacy.” 15 U.S.C. § 1692a. Congress additionally found existing  
24 laws and procedures for redressing debt collection injuries to be inadequate to  
25 protect consumers. 15 U.S.C. § 1692b.

1       14. Congress enacted the FDCPA to regulate the collection of consumer  
2 debts by debt collectors. The express purposes of the FDCPA are to "eliminate  
3 abusive debt collection practices by debt collectors, to insure that debt collectors  
4 who refrain from using abusive debt collection practices are not competitively  
5 disadvantaged, and to promote consistent State action to protect consumers against  
6 debt collection abuses." 15 U.S.C. § 1692e.

## FACTUAL ALLEGATIONS

9        15. Defendant was allegedly hired to collect an alleged debt owed by  
10      Gotham Capital, LLC related to credit card charges.

16. Defendant, however, sought to collect the debt from Plaintiff.

13       17. Beginning in January 2010, Defendant constantly and continuously  
14 contacted Plaintiff in an attempt to collect the alleged debt.

15        18. Defendant contacted on his home telephone an excessive amount of  
16 times over the course of a single day, routinely causing Plaintiff to receive on  
17 average of two (2) collection calls a day and at times more than five (5) collection  
18 calls a day.

19. Also, Defendant would contact Plaintiff before 8 a.m. and after 9 p.m.

20        20. To cite a specific example, on January 25, 2010, Defendant called  
21 Plaintiff seven (7) times, beginning at 7:30 a.m.

22 21. Also, Defendant made a threatening and harassing telephone call to  
23 Plaintiff's wife, Judith Maggi, in an attempt to collect the alleged debt.

24        22. Plaintiff notified Defendant, during their very first communication, to  
25 cease contacting him regarding the alleged debt, advising Defendant to contact  
Gotham Capital, LLC, the owner of the account.

1       23. Despite receiving these instructions, Defendant still continued to  
2 contact Plaintiff in an attempt to collect the alleged debt.

3       24. During these ensuing communications with Plaintiff, Defendant  
4 identified himself as a representative of Capital One, the original creditor, to  
5 Plaintiff.

6       25. Further, Defendant claimed to have discovered personal information  
7 about Plaintiff, threatened adverse effects on his credit report, and to pursue legal  
8 ramifications for nonpayment of the alleged debt.

9       26. Upon trying to resolve the matter, Plaintiff requested Defendant's  
10 contact information and was constantly misled and transferred repeatedly to  
11 Capital One offices.

12       27. Defendant's repetitive calls to Plaintiff were harassing, and invasion  
13 of privacy, and absent of any intention to reconcile the dispute.

14       28. Plaintiff is not personally liable for the debt alleged to be owed by  
15 Gotham Capital, LLC.

16       29. Despite this, Defendant attempted to collect this alleged debt from  
17 Plaintiff.

18       30. Plaintiff became a consumer once Defendant began Plaintiff's  
19 personal residence.

20       31. Defendant's actions have transformed the debt into that which  
21 qualifies as "consumer debt" under the FDCPA.

## 1 CONSTRUCTION OF APPLICABLE LAW

2 32. The FDCPA is a strict liability statute. Taylor v. Perrin, Landry,  
 3 deLaunay & Durand, 103 F.3d 1232 (5th Cir. 1997). “Because the Act imposes  
 4 strict liability, a consumer need not show intentional conduct by the debt collector  
 5 to be entitled to damages.” Russell v. Equifax A.R.S., 74 F. 3d 30 (2d Cir. 1996);  
 6 see also Gearing v. Check Brokerage Corp., 233 F.3d 469 (7th Cir. 2000) (holding  
 7 unintentional misrepresentation of debt collector’s legal status violated FDCPA);  
 8 Clomon v. Jackson, 988 F. 2d 1314 (2d Cir. 1993).

9 33. The FDCPA is a remedial statute, and therefore must be construed  
 10 liberally in favor of the debtor. Sprinkle v. SB&C Ltd., 472 F. Supp. 2d 1235  
 11 (W.D. Wash. 2006). The remedial nature of the FDCPA requires that courts  
 12 interpret it liberally. Clark v. Capital Credit & Collection Services, Inc., 460 F. 3d  
 13 1162 (9th Cir. 2006). “Because the FDCPA, like the Truth in Lending Act (TILA)  
 14 15 U.S.C §1601 *et seq.*, is a remedial statute, it should be construed liberally in  
 15 favor of the consumer.” Johnson v. Riddle, 305 F. 3d 1107 (10th Cir. 2002).

16 34. The FDCPA is to be interpreted in accordance with the “least  
 17 sophisticated” consumer standard. See Jeter v. Credit Bureau, Inc., 760 F.2d 1168  
 18 (11th Cir. 1985); Graziano v. Harrison, 950 F. 2d 107 (3<sup>rd</sup> Cir. 1991); Swanson v.  
 19 Southern Oregon Credit Service, Inc., 869 F.2d 1222 (9th Cir. 1988). The FDCPA  
 20 was not “made for the protection of experts, but for the public - that vast multitude  
 21 which includes the ignorant, the unthinking, and the credulous, and the fact that a  
 22 false statement may be obviously false to those who are trained and experienced  
 23 does not change its character, nor take away its power to deceive others less  
 24 experienced.” Id. The least sophisticated consumer standard serves a dual  
 25 purpose in that it ensures protection of all consumers, even naive and trusting,

1 against deceptive collection practices, and protects collectors against liability for  
2 bizarre or idiosyncratic interpretations of collection notices. Clomon, 988 F. 2d at  
3 1318.

4

5 **COUNT I**

6 **DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES  
ACT**

7 31. In its actions and methods to collect a disputed debt, Defendant  
8 violated the FDCPA in the following ways:

- 9 a. Communicating with Plaintiff at unusual and inconvenient  
10 times before 8 a.m. and after 9 p.m., in violation of 15 USC §  
11 1692c(a)(1);
- 12 b. Harassing, oppressing or abusing Plaintiff in connection with  
13 the collection of a debt, in violation of 15 U.S.C. § 1692d;
- 14 c. Causing a telephone to ring or engaging Plaintiff in telephone  
15 conversation repeatedly or continuously with intent to annoy,  
16 abuse, or harass, in violation of 15 USC § 1692d(5);
- 17 d. Using false, deceptive, or misleading representations or  
18 means in connection with the collection of any debt, in  
19 violation of 15 U.S.C. § 1692e;
- 20 e. Threatening to take action that cannot legally be taken or that  
21 is not intended to be taken, in violation of 15 USC §  
22 1692e(5);
- 23 f. Using false representations or deceptive means to collect or  
24 attempt to collect a debt, in violation of 15 U.S.C. §  
25 1692e(10);

- 1 g. The use of a business, company, or organization's name other  
2 then the true name of the debt collector's business, company,  
3 or organization, in violation of 15 USC § 1692e(14);  
4 h. Using unfair or unconscionable means to collect or attempt to  
5 collect any debt, in violation of 15 U.S.C. §1692f;  
6 i. Collecting an amount not expressly authorized by an  
7 agreement creating the debt, in violation of 15 U.S.C. §  
8 1692f(1); and  
9 j. By acting in an otherwise deceptive, unfair and  
10 unconscionable manner and failing to comply with the  
11 FDCPA.

12 32. As a result of the above violations of the FDCPA, Defendant is liable  
13 to Plaintiff in the sum of Plaintiff's actual damages, statutory damages, and  
14 attorney's fees and costs.

15 WHEREFORE, Plaintiff, JOHN V. MAGGI, respectfully prays for a judgment  
16 as follows:

- 17 a. All actual compensatory damages suffered pursuant to 15  
18 U.S.C. § 1692k(a)(1);  
19 b. Statutory damages of \$1,000.00 for each violation of the  
20 FDCPA pursuant to 15 U.S.C. § 1692k(a)(2)(A);  
21 c. All reasonable attorneys' fees, witness fees, court costs and  
22 other litigation costs incurred by Plaintiff pursuant to 15 U.S.C.  
23 § 1693k(a)(3); and  
24  
25

d. Any other relief deemed appropriate by this Honorable Court.

**DEMAND FOR JURY TRIAL**

PLEASE TAKE NOTICE that Plaintiff, JOHN V. MAGGI, demands a jury trial in this case.

RESPECTFULLY SUBMITTED,

DATED: May 26, 2010

KIMMEL & SILVERMAN, P.C..

By: /s/ Craig Thor Kimmel  
Craig Thor Kimmel  
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